

REMARKS

The applicant wishes to thank Examiners O'Shea and Tsidulko for the courtesies rendered to the applicant's representative during the telephone interview of January 25, 2005. During this interview, agreement was reached relative to the allowability of claims 30 through 38 and 47 through 52 for reasons presented in the suggested response faxed on January 11, 2005 preliminarily to the interview. Those reasons were discussed during the interview and are made of record hereinafter in the portion of the Remarks presented in the suggested response and made of record herein.

As indicated in the Official Action dated December 28, 2004, claims 20 and 39 through 45 are allowed. Claims 9, 12 through 17, 28 and 29 are indicated as reciting allowable subject matter.

The references applied to the remaining claims in the Official Action dated December 28, 2004 were discussed during the interview as well as in the suggested response, that discussion being made of record hereinafter. The patent to Molnar was particularly discussed in order to point out deficiencies.

As was agreed to during the interview, a specific recitation defining the "length" of the secondary reflector as being less than the "length" of the main reflector was considered to be patentably distinct over the prior art. Accordingly, independent claims 10 and 46 are amended in an effort to recite this patentable differentiation. Favorable consideration of claims 10 and 46 as amended is respectfully requested.

Claim 1 has not been amended due to the fact that the prior art does not disclose the recited luminaire as having reflector means for directing light in an asymmetric distribution. The Examiner is urged to note applicant's arguments detailed hereinafter concerning the fact

that an asymmetrical shape of a reflector is not equivalent to a reflector that produces an asymmetrical light distribution. Claim 1 and those claims depending therefrom are believed allowable. Similarly, claim 21 and those claims depending therefrom are believed allowable.

This Amendment provides amendment to claim 30 to add recitations intended to have been added in the applicant's response to the previous Official Action. Further, new claims 47 through 52 are added to the application. The following discussion is taken from the suggested response and is repeated for the record with modification necessitated by the interview.

Claim 30 as herein amended includes the essence of the subject matter of original claim 12, that subject matter having been indicated as allowable in the first Official Action dated November 16, 2004 and also in the Official Action dated December 28, 2004. Claim 30 differs from original claim 12 only as to the orientation of the lamp, a recitation present in claim 31 depending from claim 30. Claims 30 and 31 through 38 depending from claim 30 are believed to be allowable as noted above.

New claims 47 through 52 are also believed to be in condition for allowance in view of the Examiner's previous indications of allowable subject matter and in view of the interview. New independent claim 47 incorporates in essence the subject matter of original claim 9, this subject matter being indicated in the Official Action of December 28 as being allowable. Essentially, claim 47 places in independent form the subject matter of claim 9 without reference to lamp orientation. Lamp orientation is recited in new claim 49 which depends from claim 47.

Claim 47 recites subject matter which patentably distinguishes over the prior art including all art made of record in this application. Claim 47 along with claims 48 through 52 depending therefrom are believed to be allowable as was indicated during the interview.

The applicant notes that claim 22 is not mentioned specifically in any of the rejections. Given the apparent approach used by the Examiner in the rejections asserted in the Official Action dated December 28, the applicant will assume that the Examiner intended to reject claim 22 under 35 U.S.C. 102(b) in view of Molnar.

Molnar discloses a wall wash luminaire having a single elliptical reflector, the portions 14a and 14b of the Molnar reflector being a single reflector and not two separate reflectors. Incidentally, Molnar's luminaire is totally incapable of function as a billboard luminaire in contradistinction to the present luminaire as disclosed and claimed.

The Examiner has erred in his contention that Molnar is effective as a reference under 35 U.S.C. 102(b) relative to claims 1, 2, 4, 7, 10, 21, 26, 30, 34, 37, 38 and apparently claim 22. Claims 1, 10, 21 and 30 (amended) are independent claims. Claim 30 (amended) has been discussed hereinabove and is believed allowable for the reasons already provided.

Independent claims 1, 10 and 21 cannot possibly be rejected under 35 U.S.C. 102(b) in view of Molnar for statutory reasons alone. For a claim to be properly rejected under 35 U.S.C. 102(b), it is necessary for the single reference applied to the claims to disclose each and every element of the claim. This fact is basic patent law. Molnar fails miserably in this regard. The Examiner's attention is directed to the fact that the "housing" 12 of Molnar does not house a lamp. The lamp 16 of Molnar is located externally of the "housing" 12. Claim 1 of the present application specifies that a lamp is "disposed within the lamp housing." The

Examiner himself refers to the element 12 of Molnar as the "housing". For this reason alone, Molnar cannot be applied under 35 U.S.C. 102(b).

Further, Molnar does not locate his reflector 14 within his housing 12, the reflector 14 of Molnar being attached to the housing 12 externally of the housing 12. Claim 1 specifically recites disposition of reflector means within the housing that also has the lamp disposed therein. Molnar fails again as being an appropriate reference under 35 U.S.C. 102(b).

Relative to claim 1, Molnar does not provide reflector means capable of producing an asymmetric light distribution. Claim 1 thus differentiates patentably over Molnar.

Rejection of claim 10 under 35 U.S.C. 102(b) in view of Molnar is further noted as inappropriate since Molnar clearly does not provide a reflector assembly comprising a main reflector and a secondary reflector mounted behind the lamp.

Rejection of claim 21 under 35 U.S.C. 102(b) in view of Molnar is inappropriate for the same reasons noted above relative to claim 10.

In view of the fact that Molnar is deficient as aforesaid, any combination of Molnar with Henderson et al or Barthel is inappropriate.

The Examiner rejects claims 2, 19 and 22 and 38 under 35 U.S.C. 102(b) in view of Molnar with the contention that Molnar discloses a "refractor". Molnar does not disclose a refractor at all. The passage in Molnar at column 2, lines 63-68 totally fails to support this inaccurate allegation. This passage merely mentions the reflector 14 as having a front opening 18 which is covered by an etched glass plate 20 capable of diffusing light from the lamp. This disclosure amounts to no more than a "smoked lens" intended to prevent direct viewing of the lamp so that such a view will not hurt the eyes of someone in an

environmental space within which the Molnar luminaire acts to wash wall surfaces with light. Diffusion lenses of this kind are exceedingly well known and can be etched or otherwise configured to hide lamp and lamp image. The glass plate 20 is not a refractor and certainly not a refractor that functions to direct light onto the surface of a panel. The Examiner is invited to actually read the present specification so that he may gain some degree of knowledge as to the functioning of reflectors and refractors in combination to direct light onto a surface such as the surface of a billboard. Please note the disclosure in the specification in the paragraph bridging pages 14 and 15 and on pages 20 and 21.

Molnar is deficient under 35 U.S.C. 102 or 35 U.S.C. 103 for other reasons. As one example and as relates to the rejections of claim 4 inter alia, Molnar absolutely does not disclose a "main reflector" and a "secondary reflector" carried by a housing and mounted behind a lamp. Further, Molnar does not configure his "end covers 15a and 15b" to function as reflectors to any degree more than every visible object constitutes a "reflector" else such object would be invisible. Molnar refers to his elements 15a and 15b as "end covers". The Examiner has mistakenly decided to refer to the end covers 15a and 15b as "side reflectors". The Examiner cannot rewrite Molnar's specification according to his own whim. Claims 7, 26 and 34 are therefore not properly rejected under 35 U.S.C. 102(b) for this additional reason.

As thus detailed, Molnar totally fails as a reference. The Examiner must withdraw all rejections under 35 U.S.C. 102(b) of independent claims 1 and 21 inter alia.

Molnar and Henderson et al have been used in combination under 35 U.S.C. 103(a) to reject claims 3, 11, 18, 23, and 31. Molnar fails for the reasons given above. As if the failure of Molnar were not sufficient to obviate these rejections under 35 U.S.C. 103(a), Henderson

et al is further deficient. In particular, Henderson et al disclose high bay luminaires having a vertically oriented lamp. Vertical orientations of lamps in luminaires of varying kind are notoriously old. The fact that neither of the luminaires disclosed by Molnar and Henderson et al are in any way useful to illuminate a billboard is essentially incidental although important to those who want to illuminate a billboard. More importantly, Henderson et al does not disclose a luminaire capable of an asymmetric light distribution. Henderson et al disclose in column 1, lines 54 and 55 (the Examiner's citation) that the reflector is "asymmetrical". While this term is improperly used in Henderson et al, it is quite clear that the luminaire of Henderson et al does not provide an asymmetric light distribution. The shape of a reflector and the shape of a light distribution are two entirely different things.

The Examiner goes on relative to Henderson et al in a manner that is incomprehensible. Henderson et al do not disclose "side reflectors". The Examiner must realize his errors in paragraph 1 of page 4, and provide a comprehensible explanation of his intent in the event this argument is continued.

Claims 5, 6, 8, 24, 25, 27, 32, 33, 35 and 36 are rejected under 35 U.S.C. 103(a) in view of Molnar and Barthel. Molnar fails as noted above. Barthel does not disclose in column 1, lines 37 through 40 (the Examiner's citation) a combination of parabolic and elliptical reflectors. Barthel simply refers to some amorphous prior art in column 1, lines 37 through 40. Barthel absolutely does not disclose such a combination in the luminaire that is the subject of his specification. This mention in a background discussion of the art in general is totally inappropriate for use in a rejection since, in part, the applicant has nothing to argue against except a vague mention of something that may exist but which may have no relevance whatsoever to the claims asserted by the applicant. In particular, are these prior

reflectors single reflectors with portions thereof being elliptical and other portions parabolic?

How are these prior "phantom" reflectors oriented within luminaires? The Examiner cannot use this vague allusion in Henderson et al to reject claims and certainly not the claims he has rejected.

For reasons herein presented, the claims hereby asserted are believed allowable.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Kenneth E. Darnell".

Kenneth E. Darnell
Reg. No. 26541

2010 West 7th Street
Coffeyville, Kansas 67337

620 251-1947